

Remarks

In view of the above amendments and the following remarks, reconsideration of the objections and rejections, and further examination are requested.

Initially, it is noted that the Examiner has failed to completely consider the Information Disclosure Statement (IDS) filed on October 13, 2004. It is noted that although the Office Action sets forth the requirements for having an IDS considered, there is no indication as to why the IDS filed on October 13, 2004 is improper. Submitted with the IDS was an International Search Report in the English language indicating the degree of relevance of the three references listed on the form PTO-1449. As is clearly set forth in M.P.E.P. §609.04(a)(III), "[w]here the information listed [in an IDS] is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be ... merely an "X", "Y", or "A" indication on a search report." Therefore, it is clear that the IDS filed on October 13, 2004 should have been considered in full. As a result, it is respectfully requested that all of the references listed on the form PTO-1449 be considered and a completely initialed copy of the form PTO-1449 be included with the next Office Action. Enclosed herewith are copies of the IDS, form PTO-1449 and International Search Report along with a date-stamped postcard receipt as evidence of their submission to the PTO on October 13, 2004.

The specification and abstract have been reviewed and revised to address the objections set forth in the Office Action and to make a number of editorial revisions thereto. A substitute specification and abstract including the revisions have been prepared and are submitted herewith. No new matter has been added. Also submitted herewith are marked-up copies of the substitute specification and abstract indicating the changes incorporated therein. As a result, withdrawal of the objections to the specification and abstract is respectfully requested.

Claims 4-6 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 4-6 have been amended so as to address this rejection. As a result, withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

Claim 11 has been amended so as to depend from claim 7 instead of claim 5.

Claims 1-3 and 7-9 have been rejected under 35 U.S.C. §102(b) as being anticipated by Granzotto (US 6,757,392). Claims 4-6, 10 and 11 have been rejected under 35 U.S.C. §102(b) as being anticipated by Granzotto or, in the alternative, under 35 U.S.C. §103(a) as being unpatentable over Granzotto in view of Reinhold, Jr. (US 5,339,823).

Claim 1 has been amended so as to more clearly distinguish the present invention, as recited therein, from the references relied upon in the rejections.

Further, claims 1-11 have been amended so as to make a number of editorial revisions thereto. These revisions have been made to place the claims in better U.S. form. None of these amendments have been made to narrow the scope of protection of the claims, or to address issues related to patentability, and therefore, these amendments should not be construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents.

The above-mentioned rejections are submitted to be inapplicable to the pending claims for the following reasons.

Claim 1 is patentable over Granzotto, since claim 1 recites an electrocardiograph including, in part, a pair of arm portions extending from and being attached to opposite sides of a body case, respectively; a pair of detecting electrodes located at end portions of the pair of arm portions, respectively; and a switching means for starting detection, display and transmission of an electrocardiograph complex by pressing the body case to a chest portion of a subject, whereby a common electrode and the detecting electrodes come into contact with the chest portion of the subject. Granzotto fails to disclose or suggest the switching means of claim 1.

Granzotto discloses an electronic stethoscope including a headpiece 1. The headpiece 1 include a contact ring 20 having a ring section 20a and two arc shaped arms 18 connected to the ring section 20a by pivot joints 19. The arc shaped arms 18 each include an electrode 17. The headpiece 1 also includes a number of sensors 15 and an electrode 16. When the headpiece 1 is used to record an electrocardiogram, the arc shaped arms 18 are swiveled away from the ring section 20a such that the electrodes 17 located thereon are pivoted away from the contact ring 20. Further, headpiece 1 includes an integrated display arrangement 11 which can be used to display the results of the electrocardiogram and a number of operating keys 13 which are used to select between various modes (e.g., electrocardiogram mode) of the headpiece 1. (See column 3, lines 23-36; column 3, line 41 – column 4, line 11; and Figures 1, 3 and 4).

In the rejection, the operating keys 13 are relied upon as corresponding to the claimed switching means. Regarding this, it is noted that the operating keys 13 are used to activate various display fields 12 for the integrated display arrangement 11, one of which is displaying the results of the electrocardiogram. However, there is no disclosure or suggestion in Granzotto that the operating keys 13 start detection, display and transmission of the electrocardiograph by pressing the headpiece 1 to the patient, whereby the electrodes 16, 17 come in contact with the patient. Therefore, the operating keys 13 do not correspond to the claimed switching means. As a result, claim 1 is patentable over Granzotto.

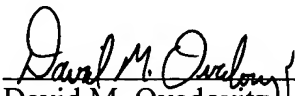
Regarding Reinhold, it is relied upon as disclosing non-adhesive precordial electrodes. However, Reinhold fails to disclose or suggest the switching means as recited in claim 1.

Because of the above-mentioned distinctions, it is believed clear that claims 1-11 are allowable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1-11. Therefore, it is submitted that claims 1-11 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

Akihiko YANAGA

By: 
David M. Ovedovitz
Registration No. 45,336
Attorney for Applicant

DMO/jmj
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
November 6, 2006